

FILED

FEB 27 2023

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MLB DEP CLK

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

Western Division

Case No.

5:23-cv-98-BO

(to be filled in by the Clerk's Office)

Larene Hinton
The James Roger Elliott's Heirs

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Renee Whittenton
Sandra Broadwell Paye
Alfredia Waters
Derick Waters
Christopher Carl

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Larene Hinton		
Address	1994 groveland ave		
	North Charleston	sc	29405
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Charleston		
Telephone Number			
E-Mail Address	larene_hinton@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Renne Whittenton		
Job or Title <i>(if known)</i>	Clerk of Superior Court		
Address	301 W. Cornelius Harnett Blvd. St. 100		
	Lillington	NC	27546
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Harnett		
Telephone Number			
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	Sandra Broadwell Pave		
Job or Title <i>(if known)</i>	Asst. Clerk of Superior Court		
Address	301 W. Cornelius Harnett Blvd. st. 100		
	Lillington	NC	27546
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Harnett		
Telephone Number			

E-Mail Address *(if known)*☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Christopher Carl

Job or Title *(if known)*

lawyer

Address

Lillington

NC

27546

City

State

Zip Code

County

Harnett

Telephone Number

E-Mail Address *(if known)*☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Alfredia Waters & Derick Waters

Job or Title *(if known)*

Address

Glendale

CA

91203

City

State

Zip Code

County

Orange

Telephone Number

E-Mail Address *(if known)*☒ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14 amendment, 7 amendment, 8, amendment and 6 amendment, 1996 AMENDMENTS TO 18 U.S.C. § 1001

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
-

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Renee Whittenton, Clerk of Superior Court and Sandra Broadwell-Paye, Assistant Clerk of Court, went beyond their cope of power and acted in the copacity of judge and refused to grant my wish for a jury trial. They both violated my ciil rights, the 14,7, 8, and 6 amendment right

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

On July, 19,2022, attorney David Mcrae schedule a hearing for division of land on nutgrass rd in Bunnlelevel N.C. The hearing was rescheduled for me to hire a lawyer. I could not find or afford a lawyer. Legal aide only helps with real estate evictions. On September 27,2022, before Sandra broadwell Paye the assistant clerk of court. I asked again for a jury trial and was told that I had to appeal that verdited given on October 7, 2022. The clerk of court ruled in favor of Alfredia Waters. I am conter-suing Alfredia Waters for lying to me in person and on paper that she never received a dime from Leroy Elliott estate. I(larene Hinton) found out years later that Alfredia Waters became a millionaire as soon as she took over the guardianship of Leroy Elliott with untrue information.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

On October 7, 2022 the assistance Clerk of the Court Sanra Broadwell Paye orderd, adjudged and decreed for the land to be divided in-equal shares again, and that three competent Commissionerd be appointed to serve in the process., I Larene hinton was not granted a jury trial.

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

C. What are the facts underlying your claim?

On October 7, 2022, Alfredia Waters as the executor of Leroy Elliott was awarded the petition for division of lot 9 on nutgrass rd. in Bunnlevel N.C. I am counter-suing, because Alfredia Waters has opened a 1992 case that was settled without me (Irene Hinton) receiving my 25% share of Leroy Elliott last will. I did not find out until 2020 that Alfredia Waters had become an instance millionaire in the closing of Leroy Elliott estate file. Alfredia Water and husband Derick Waters deceived me and others James Roger Elliott heirs with the help of, Clerk of Superior Court, County commissioners, Jessie Hunter and tax lawyer Christopher Carl, who was Alfredia Waters personal lawyer in 1992. I allowed Alfredia Water to share with me lot 9, believing what she was telling me and what the clerk of court showed me in Leroy Elliott files, and that is Alfredia Waters received nothing from Leroy Elliott estate. The James Roger Elliott heirs were hurt more than me. The purpose of a guardian of anyone estate is to look after the victim and take care of his or her responsibility. Alfredia stated that Leroy Elliott had no money to pay taxes, which was not true. In 1986 Leroy Elliott build several houses for his brothers and one sister on nutgrass rd. There was more than 1 Leroy Elliott in Bunnlevel at the time. Alfredia Waters and her lawyer Christopher Carl used unauthorized deeds to claim nutgrass rd., land, houses and another Leroy Elliott bank account. I have reason to believe that Alfredia Waters and her two sibling claimed the bank account of another Leroy Elliott. The unauthorized deeds came from another map that listed Janie Elliott as the owner of Nutgrass land hwy 2026. Janie Elliott and Roger Elliott were divorced in 1948, and because of the divorce, Janie Elliott lost her interest in nutgrass land on hwy 2026. Janie Elliott still had ownership in land and houses on the opposite site of 401 and corner of walker and wire rd. in 1966. The land and houses that was claimed by this illegal deed was James Roger Elliott heirs equal share land that all tenants in common signed in 1966.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have suffered a lot of emotional pain anguish and had a lot of sleepless night, especially when I found out that Alfredia Waters the executor of Leroy Elliott estate and her lawyer Christopher Carl had lied to me, to keep me from receiving my share of my father estate. The struggles that I endure for over 36 years, may not have happen, if I had received my share of our father (Leroy Elliott estate). In 1987, I was living in low income housing and at the time, one of the reasons why Leroy Elliott wanted me to have a part of his wealth was because I was raising his grandson's Preston, 5 years old and Michael 8 years old. It bother me a lot to see disdain in the faces of the James Roger Elliott heir. I know that Bobby Elliott and Lillie Elliott has been receiving a check in the mail every month from Alfredia Waters, the Executor of Leroy Elliott estate, since 1992 when Leroy Elliott estate file was finally close.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Relief

I want Alfredia Waters name to come off of lot 9 deed. Alfredia Waters and her two sibling when to special proceeding and had their father declare mentally incompetent base on false information. The convicted felon, Bobby Elliott was the one who initated the paperwork. Lot 9 was Leroy Elliott pride and joy. Lot 9 was used as the service lane to the lake.. Leroy Elliott wanted lot 9 to stay intact. Leroy Elliott never built a house on lot 9 for the reaons that the land cannot be perk.. Leroy Elliott ran a social bar on nutgrass rd for 40 years. Alfredia Waters became a millionaire when she took over Leroy Elliott account. I want one million for every year that I was cheated out of my father Leroy Elliott account which will be 36 million. Bobby Elliott, Lillie Elliott has been receiving a check every month every since Leroy Elliott estare files was closed in 1992. The James Roger Elliott heirs have an interest in lot 9, because lot 9 was the service rd to the lake for James Roger Elliott heirs. The James Roger Elliott heirs must be given their other land, wealth, and original houses back. The money claim for the James Roger Elliott heirs will be discuss at the trial..

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

2-27-2023

Signature of Plaintiff

Larance Hinton

Printed Name of Plaintiff

Larance Hinton

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address